

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff(s),
v.
MARY MUSSO,
Defendant(s).

2:12-CR-273 JCM (VCF)

ORDER

Presently before the court is the matter of *United States v. Musso*, case no. 2:12-cr-273-JCM-VCF. Defendant Musso has been indicted with five counts of wire fraud pursuant to 18 U.S.C. § 1343. (See indictment, doc. # 1). Musso has filed the instant motion seeking an order directing the government to “provide reasonable notice in advance of trial of the general nature of any evidence under 404(b).” (Doc. # 45).

Fed. R. Evid. 404 governs the admissibility of evidence at trial regarding past crimes, wrongs, or other acts. Rule 404(b)(2) provides that such evidence “may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.” If requested by the defendant, the government must “provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial.” Fed. R. Evid. 404(b)(2)(A).

26 The defendant has this right of request under Fed. R. Evid. 404(b)(2). Therefore, the
27 defendant may choose to file such a request with the government directly, as instructed by Fed. R.

1 Evid. 404(b)(2).

2 Since this motion seeks to have the court compel the government to act when the defendant
3 has not lodged an appropriate request under Fed. R. Evid. 404(b)(2), it is denied.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Musso's motion (doc. #45)
6 be, and the same hereby is, DENIED.

7 DATED August 18, 2014.

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9 *James C. Mahan*
10 **UNITED STATES DISTRICT JUDGE**
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